

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DON LANG §
VS. § CIVIL ACTION NO. 1:14cv347
TEXAS DEP'T OF CRIMINAL JUSTICE, §
CORRECTIONAL INSTITUTIONS DIVISION

MEMORANDUM OPINION AND ORDER

Plaintiff Don Lang, an inmate confined at the Connally Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this lawsuit pursuant to 42 U.S.C. § 1983 against TDCJ-CID.¹

Discussion

On July 28, 2014, plaintiff filed a motion asking to have this cause of action dismissed without prejudice. Plaintiff is entitled to dismiss the case prior to the service of an answer or a motion for summary judgment. FED. R. CIV. P. 41(a)(1). In this case, the opposing party has filed neither an answer nor a motion for summary judgment. Accordingly, plaintiff's motion to dismiss the action should be granted.

¹ This case was directly assigned to the undersigned magistrate judge pursuant to this district's General Order 14-10. Plaintiff has provided voluntary written consent to have the assigned United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment in accordance with 28 U.S.C. § 636(c). The defendants in this action have not been served; thus, they are not parties to the action at this time. As a result, their consent is not needed for the undersigned to make a final determination in this matter. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).

Order

For the reasons set forth above, plaintiff's complaint should be dismissed without prejudice pursuant to his request. A final judgment will be entered in this case in accordance with this order.

SIGNED this 1st day of August, 2014.



Zack Hawthorn
United States Magistrate Judge